

Worksheet
Determination of NEPA Adequacy (DNA)
U.S. Department of the Interior
Bureau of Land Management

OFFICE: Humboldt River Field Office

TRACKING NUMBER: DOI-BLM-NV-WO10-2014-0007 DNA

CASEFILE/PROJECT NUMBER: N-86647

PROPOSED ACTION TITLE/TYPE : Shamrock DNA

LOCATION/LEGAL DESCRIPTION: MDM., T. 24 N., R. 27 E., sec. 26, S2SW, SWSE, NESW.

APPLICANT : Shamrock Communications Inc.

A. Description of the Proposed Action with attached map(s) and any applicable mitigation measures.

On March 28, 2013, Shamrock had concerns regarding stipulations for wildlife mitigation and monitoring and enhanced reclamation requirements not brought forward during the appeal period for the decision or special stipulations. The BLM discussed the issues with Shamrock and revisited the March 6, 2012 Environmental Assessment, Finding of No Significant Impact, Decision, and special stipulations. In addition, the BLM Winnemucca staff visited the site with Shamrock on September 5, 2013, to gain a better understanding of the project and the concerns voiced by them.

These concerns relate to specific stipulations from the Decision Record. The Decision Record stipulations stated:

“A post-construction monitoring study shall be implemented to evaluate the impact of the proposed action (tower construction) on migratory birds and raptors. The monitoring study shall be conducted for three years post-construction. The study design (methodology) shall be coordinated with the BLM Biologist and approved by the BLM Authorized Officer prior to implementation and prior to any construction activity associated with the proposed action. Personnel conducting the study shall be approved by the BLM Authorized Officer prior to study implementation. The applicant shall be responsible for costs associated with the monitoring program and any potential structural/operational changes that may be necessary (as determined by BLM in consultation with state and federal wildlife agencies) as indicated by the research results.”

“Habitat enhancement over the *entire* 60 acre tower site area shall be implemented to offset the impacts of the proposed project to the dark kangaroo mouse, pale kangaroo mouse, and Preble’s shrew. The habitat enhancement is necessary to provide habitat for those animals

displaced by the direct habitat loss of the proposed project. A BLM approved reclamation and monitoring plan shall be developed by the applicant and include explanation of site preparation, monitoring methodology, seeding mixes and seedlings to be planted. Alternatives (i.e. ATVs, UTV, etc.) to heavy equipment use shall be incorporated to minimize the amount of soil disturbance and compaction and to prevent additional disturbance or mortality to these species. Any proposed deviation from the plan shall be coordinated with the BLM Biologist and approved by the BLM Authorized Officer. This plan shall be approved by BLM before any construction begins.”

Based on discussions and field visits, BLM proposes to modify the two stipulations above to read as follows:

The remainder of stipulations from the DR would remain the same.

1. For the period of one year starting in May 2013, when the avian and bat surveys began, bi-monthly surveys for avian and bat mortality will continue to be required. After one year, based on what the data depicts regarding mortality, the frequency, duration, and necessity of studies will be reassessed. This reassessment will occur with BLM, Shamrock Communications, and the contracted consultant.

2. The BLM will delineate the actual disturbance footprint including, but not be limited to, anchor sites, pads, parking/staging areas, access roads no longer necessary, and other construction related disturbance. Maps and shape files of the disturbed area will be provided to you so reclamation can progress. The delineated area will be the area that will require reseeding and reclamation work. Reseeding of vegetated areas outside the construction disturbance, also known as the “enhanced reclamation” will not be required.

Rational for modification of surveys:

The EA analyzed adaptation of the studies for mortality. Modification of the stipulation from strictly three years to a results based study would satisfy study requirements. Based on data, studies may still be required up to three years.

Rational for modification to the enhanced reclamation:

The area identified for enhanced reclamation is at or close to the potential natural vegetation community that can be present at the site. Additional seeding of the area would not increase available vegetation at the site. Reclamation activities may create additional unnecessary ground disturbance that could increase presence of invasive species through disruption to current native vegetation and ground disturbance.

B. Land Use Plan (LUP) Conformance

LUP Name* Sonoma-Gerlach MFP

Date Approved 7/9/1982

The proposed action in conformance with the applicable LUP because it is specifically provided for the following LUP decisions: Sonoma-Gerlach MFP, L 4.2 Reserve all mountain tops and ridges for communication sites.

C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

List by name, number and date (DR/FONSI or ROD) all applicable NEPA documents that cover the proposed action.

Shamrock Communications Tower and Rights-of-Way, N-86647 and N-86676
DOI-BLM-NV-W010-2011-0006-EA, March 2012
DR, March 6, 2012.
FONSI, March 6, 2012.

List by name and date other documentation relevant to the proposed action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).

Biological Resources Report, January 2012
Habitat Enhancement Program and Biological Monitoring Plan, June 2012.

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA documents(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

This action pertains to the mitigation and monitoring in the EA and as stipulated in the DR. The project, location, and affected resources remain the same.

2. Is the range of alternatives analyzed in the existing NEPA documents(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?

The range of alternatives are appropriate with respect to the new action. The proposed action is a modification to the wildlife mitigation and monitoring and enhanced reclamation requirement stipulations that were previously evaluated and approved.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Based on field visits and discussions, new information has come to light with respect to the mitigation and monitoring as identified in the EA and DR. This new information has led to the new proposal to modify two of the stipulations. The modified language does not change the end goal in terms of what the BLM seeks to gain from the mitigation and monitoring. Therefore, there would be no substantial change in the analysis or recommendations based on this new action.

The EA analyzed adaptation of the studies for mortality. Modification of the stipulation from strictly three years to a results based study would satisfy study requirements. Based on data, studies may still be required up to three years.

Rational for modification to the enhanced reclamation:

The area identified for enhanced reclamation is at or close to the potential natural vegetation community that can be present at the site. Additional seeding of the area would not increase available vegetation at the site. Reclamation activities may create additional unnecessary ground disturbance that could increase presence of invasive species through disruption to current native vegetation and ground disturbance.

This action does not change the analysis and conclusions in the EA, nor does it change the conclusions reached in the FONSI.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

The direct and indirect, and cumulative effects of the current proposed action are unchanged from those analyzed in the existing NEPA documents.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

During the public scoping involved in the development of the EA listed above, there were three comments received, which concerned VRM – dark sky attributes. During the PEA 30 day comment period, one comment letter was received concerning the service to be provided. In finalizing the EA, sections on the Native American Religious Concerns and Public Involvement were updated and clarifications were made to the recommended mitigations throughout Chapter 4. These modifications did not result in any substantial change to the analysis or conclusions made based on the analysis, but rather provided further and more accurate information for the reader. The modifications of the two stipulations provides for more effective measures to meet the end goal. The goal of the mitigation and monitoring has not changed, and therefore, public outreach that was conducted during the development of the EA is sufficient.

E. Persons/Agencies/BLM Staff Consulted

Name /Title	Resource/Agency Represented	Signature/Date	Comments (Attach if more room is needed)
Debbie Dunham	Realty	\s\ Debbie Dunham 1/10/14	
Rob Burton	Vegetation	\s\ Rob Burton 1/10/14	
Rob Burton	Soils	\s\ Rob Burton 1/10/14	
Mandy Deforest	T& E Species	\s\ Mandy Deforest 1/10/14	
Mandy Deforest	Special Status Species	\s\ Mandy Deforest 1/10/14	
Mandy Deforest	General Wildlife	\s\ Mandy Deforest 1/10/14	
Lynn Ricci	NEPA Coordinator	\s\ Mark E. Hall 1/15/14	

Note: Refer to the EA/EIS for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

☒ **Conclusion** *(If you found that one or more of these criteria is not met, you will not be able to check this box.)*

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM' compliance with the requirements of the NEPA.

\s\ Debbie Dunham 1\14\14
Signature of Project Lead

\s\ Mark E. Hall 1\16\14
Signature of NEPA Coordinator

\s\ Victor W. Lozano
Signature of the Responsible Official

1\21\14
Date

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.